

**SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY**

CASE: SP-2017-0279D

ZAP COMMISSION DATE: October 2nd, 2018

PROJECT NAME: Island Cove Boat Dock

APPLICANT: Bill and Tracey Marshall

AGENT: Permit Partners, LLC
(David Cancioli)

ADDRESS OF SITE: 4409 Island Cove

COUNTY: Travis

AREA: .54 acres

WATERSHED: Lake Austin

JURISDICTION: Full Purpose

EXISTING ZONING: LA

PROPOSED DEVELOPMENT:

The applicant proposes to demolish and construct a new 2 slip, 2 story boat dock, bulkhead, and gangway.

DESCRIPTION OF VARIANCES:

The applicant requests the following: Placement of fill in the lake [25-8-368], cut over 4 feet (LDC 25-8-341), and fill over 4 feet (LDC 25-8-342).

STAFF RECOMMENDATION:

The findings of fact have not been met and staff does not recommend approval.

ENVIRONMENTAL BOARD ACTION:

September 19th, 2018: The Environmental Commission recommends support of the variance request to allow placement of fill in the lake, cut over 4 feet, and fill over 4 feet with the following conditions: All trees to be planted as part of the mitigation will be a minimum of 8” caliper to double the caliper inches, all outdoor lighting will be dark sky compliant, and boat dock registration is a requirement. Vote 10-0.

ZONING AND PLATTING COMMISSION ACTION:

N/A

ENVIRONMENTAL REVIEW STAFF: Atha Phillips
Atha.Phillips@austintexas.gov

PHONE: 974-2132

CASE MANAGER: Clarissa Davis
Clarissa.Davis@austintexas.gov

PHONE: 974-1423



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED: September 19, 2018

NAME & NUMBER OF PROJECT: Island Cove Boat Dock
SP-2017-0279D

NAME OF APPLICANT OR ORGANIZATION: David Cancioli
Permit Partners

LOCATION: 4409 Island Cove

COUNCIL DISTRICT: District #10

PROJECT FILING DATE: July 26, 2017

DSD/ENVIRONMENTAL STAFF: Atha Phillips, Environmental Program Coordinator
(512) 974-2132, atha.phillips@austintexas.gov

WATERSHED: Lake Austin

ORDINANCE: Watershed Protection Ordinance

REQUEST: Variance request is as follows:
 1. Placement of fill in the lake [25-8-368]
 2. Cut over 4 feet (LDC 25-8-341)
 3. Fill over 4 feet (LDC 25-8-342)

STAFF DETERMINATION: Staff does not recommend approval for the variances.

REASONS FOR DETERMINATION: Findings of fact have not been met.



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Island Cove Boat Dock
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Placement of fill in the lake [25-8-368]

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

- 1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.
- 2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;
Yes, although the decision to relocate the boat dock slips is a choice the applicant is making, the proposed plantings will improve the floodplain health and provide a greater overall benefit than without the variance.
 - b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
No, the applicant could have utilized the existing cut-in slips.
 - c) Does not create a significant probability of harmful environmental consequences.
Yes, although there will be initial disturbance to the shoreline, sediment controls will be in place to prevent a discharge into the lake. The floodplain restoration will improve health from poor to good.

- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, although there will be initial disturbance to the shoreline, sediment controls will be in place to prevent a discharge into the lake.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

- 1. The criteria for granting a variance in Subsection (A) are met;
Not all the criteria in Subsection (A) have been met.
- 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.
- 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.

Staff Recommendation:

Staff does not recommend approval for the variances since Findings have not been met.



Date: 9/11/2018

Environmental Reviewer: Atha Phillips



Date: 9/11/2018

Acting Environmental Officer: Chris Herrington



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Island Cove Boat Dock
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Cut above 4 feet (LDC 25-8-341)

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.
2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;
Yes, although the decision to relocate the boat dock slips is a choice the applicant is making, the proposed plantings will improve the floodplain health and provide a greater overall benefit than without the variance.
 - b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
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 - c) Does not create a significant probability of harmful environmental consequences.
Yes, although there will be initial disturbance to the shoreline, sediment controls will be in place to prevent a discharge into the lake. The floodplain restoration will improve health from poor to good.

- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, although there will be initial disturbance to the shoreline, sediment controls will be in place to prevent a discharge into the lake.

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Not all the criteria in Subsection (A) have been met.
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Staff Recommendation:

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Date: 9/11/2018

Environmental Reviewer: Atha Phillips



Date: 9/11/2018

Acting Environmental Officer: Chris Herrington



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Island Cove Boat Dock
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Fill above 4 feet (LDC 25-8-342)

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.
2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;
Yes, although the decision to relocate the boat dock slips is a choice the applicant is making, the proposed plantings will improve the floodplain health and provide a greater overall benefit than without the variance.
 - b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
No, the applicant could have utilized the existing cut-in slips.
 - c) Does not create a significant probability of harmful environmental consequences.
Yes, although there will be initial disturbance to the shoreline, sediment controls will be in place to prevent a discharge into the lake. The floodplain restoration will improve health from poor to good.

- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, although there will be initial disturbance to the shoreline, sediment controls will be in place to prevent a discharge into the lake.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

- 1. The criteria for granting a variance in Subsection (A) are met;
Not all the criteria in Subsection (A) have been met.
- 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.
- 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
No, the applicant has two existing cut-in slips but is choosing to reconfigure the lot to maximize the buildable space.

Staff Recommendation:

Staff does not recommend approval for the variances since Findings have not been met.



Date: 9/11/2018

Environmental Reviewer: Atha Phillips



Date: 9/11/2018

Acting Environmental Officer: Chris Herrington

**CITY OF AUSTIN
ENVIRONMENTAL RESOURCE INVENTORY
FOR THE
0.55-ACRE 4409 ISLAND COVE TRACT**

Travis County, Texas

Submitted to:
David Cancialosi
Permit Partners, LLC
105 West Riverside Drive #225
Austin, TX 78704

Prepared By:
aci consulting
1001 Mopac Circle
Austin, Texas 78746

aci Project No.: 31-15-074

June 2015

Environmental Resource Inventory

For the City of Austin
Related to LDC 25-8-121, City Code 30-5-121, ECM 1.3.0 & 1.10.0

The ERI is required for projects that meet one or more of the criteria listed in LDC 25-8-121(A), City Code 30-5-121(A).

- 1. SITE/PROJECT NAME: 0.55-acre 4409 Island Cove Tract
- 2. COUNTY APPRAISAL DISTRICT PROPERTY ID (#'s): 375132
- 3. ADDRESS/LOCATION OF PROJECT: 4409 Island Cove Austin, TX 78731
- 4. WATERSHED: Lake Austin (Suburban)
- 5. THIS SITE IS WITHIN THE *(Check all that apply)*
 - Edwards Aquifer Recharge Zone* *(See note below)* YES No
 - Edwards Aquifer Contributing Zone* YES No
 - Edwards Aquifer 1500 ft Verification Zone* YES No
 - Barton Spring Zone* YES No

**(as defined by the City of Austin – LDC 25-8-2 or City Code 30-5-2)*

Note: If the property is over the Edwards Aquifer Recharge zone, the Hydrogeologic Report and karst surveys must be completed and signed by a Professional Geoscientist Licensed in the State of Texas.

- 6. DOES THIS PROJECT PROPOSE FLOODPLAIN MODIFICATION?..... YES** NO
If yes, then check all that apply:
 - (1) The floodplain modifications proposed are necessary to protect the public health and safety;
 - (2) The floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a **functional assessment** of floodplain health as prescribed by the Environmental Criteria Manual (ECM), or
 - (3) The floodplain modifications proposed are necessary for development allowed in the critical water **quality zone under LDC 25-8-261 or 25-8-262, City Code 30-5-261 or 30-5-262.**
 - (4) The floodplain modifications proposed are outside of the Critical Water Quality Zone in an area determined to be in poor or fair condition by a **functional assessment** of floodplain health.

**** If yes, then a functional assessment must be completed and attached to the ERI (see ECM 1.7 and Appendix X for forms and guidance) unless conditions 1 or 3 above apply.**

- 7. IF THE SITE IS WITHIN AN URBAN OR SUBURBAN WATERSHED, DOES THIS PROJECT PROPOSE A UTILITY LINE PARALLEL TO AND WITHIN THE CRITICAL WATER QUALITY ZONE? YES*** NO

*****If yes, then riparian restoration is required by LDC 25-8-261(E) or City Code 30-5-261(E) and a functional assessment must be completed and attached to the ERI (see ECM1.5 and Appendix X for forms and guidance).**

- 8. There is a total of 0 (#s) Critical Environmental Feature(s)(CEFs) on or within 150 feet of the project site. If CEF(s) are present, attach a detailed **DESCRIPTION** of the CEF(s), color **PHOTOGRAPHS**, the **CEF WORKSHEET** and provide **DESCRIPTIONS** of the proposed CEF buffer(s) and/or wetland mitigation. Provide the number of each type of CEFs on or within 150 feet of the site *(Please provide the number of CEFs)*:

0 (#'s) Spring(s)/Seep(s) 0 (#'s) Point Recharge Feature(s) 0 (#'s) Bluff(s)
0 (#'s) Canyon Rimrock(s) 0 (#'s) Wetland(s)

Note: Standard buffers for CEFs are 150 feet, with a maximum of 300 feet for point recharge features. Except for wetlands, if the standard buffer is not provided, you must provide a written request for an administrative variance from LDC 25-8-281(C)(1) and provide written findings of fact to support your request. Request forms for administrative variances from requirements stated in LDC 25-8-281 are available from Watershed Protection Department.

9. The following site maps are attached at the end of this report (Check all that apply and provide):

All ERI reports must include:

- Site Specific Geologic Map with 2-ft Topography**
- Historic Aerial Photo of the Site**
- Site Soil Map**
- Critical Environmental Features and Well Location Map on current Aerial Photo with 2-ft Topography**

Only if present on site (Maps can be combined):

- Edwards Aquifer Recharge Zone with the 1500-ft Verification Zone**
(Only if site is over or within 1500 feet the recharge zone)
- Edwards Aquifer Contributing Zone**
- Water Quality Transition Zone (WQTZ)**
- Critical Water Quality Zone (CWQZ)**
- City of Austin Fully Developed Floodplains for all water courses with up to 64-acres of drainage**

10. **HYDROGEOLOGIC REPORT** – Provide a description of site soils, topography, and site specific geology below (Attach additional sheets if needed):

Surface Soils on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups*. If there is more than one soil unit on the project site, show each soil unit on the site soils map.

Soil Series Unit Names, Infiltration Characteristics & Thickness		
Soil Series Unit Name & Subgroup**	Group*	Thickness (feet)
Bh - Bergstrom soils and Urban land, 0 to 2 % slopes	B	5

<p>*Soil Hydrologic Groups Definitions (Abbreviated)</p> <p>A. Soils having a <u>high infiltration</u> rate when thoroughly wetted.</p> <p>B. Soils having a <u>moderate infiltration</u> rate when thoroughly wetted.</p> <p>C. Soils having a <u>slow infiltration</u> rate when thoroughly wetted.</p> <p>D. Soils having a <u>very slow infiltration</u> rate when thoroughly wetted.</p> <p>**Subgroup Classification – See <u>Classification of Soil Series</u> Table in County Soil Survey.</p>

Description of Site Topography and Drainage *(Attach additional sheets if needed):*

According to the Austin West U.S. Geologic Survey (USGS) 7.5-Minute Topographic Quadrangle and the City of Austin 2-ft contours, the elevation within the subject area ranges from 492 to 500 feet above mean sea level. The high point within the subject area is near the northern corner and then slopes from the north to the south and the west to the east towards Lake Austin (COA 2012; USGS 1988).

(COA) City of Austin. 2012. Two Foot Topographic Lines. City of Austin: Austin, TX.

(USGS) U.S. Geologic Survey. 1988. Austin West, Texas Quadrangle. USGS - Department of the Interior: Denver, CO.

List surface geologic units below:

Geologic Units Exposed at Surface		
Group	Formation	Member
	Colorado River terrace deposits	Fi

Brief description of site geology *(Attach additional sheets if needed):*

According to the Bureau of Economic Geology, the subject area lies within the Colorado River terrace deposits - First Street (Qfs) (Rodda 1969).

The Colorado River terrace deposits - First Street is generally characterized as "mostly unconsolidated gravel, sand, silt, and clay derived from Cretaceous and per-Cretaceous rocks to the west. The gravel is mainly limestone and chert with minor amounts of igneous and metamorphic rocks...The First Street, Riverview, and Sand Beach deposits are relatively undissected and no bedrock is exposed between the units."

Reference:

Rodda, Peter U. 1969. Geology of the Austin West quadrangle, Travis County, Texas. Bureau of Economic Geology - The University of Texas at Austin: Austin, Texas.

Wells – Identify all recorded and unrecorded wells on site (test holes, monitoring, water, oil, unplugged, capped and/or abandoned wells, etc.):

There are 0 (#) wells present on the project site and the locations are shown and labeled

 (#s)The wells are not in use and have been properly abandoned.

 (#s)The wells are not in use and will be properly abandoned.

 (#s)The wells are in use and comply with 16 TAC Chapter 76.

There are 0 (#s) wells that are off-site and within 150 feet of this site.

11. THE VEGETATION REPORT – Provide the information requested below:

Brief description of site plant communities (Attach additional sheets if needed):

See Attachment Q11-1.

There is woodland community on siteYES NO (Check one).
 If yes, list the dominant species below:

Woodland species	
Common Name	Scientific Name
white mulberry	Moris alba
pecan	Carya illinonensis
chinese tallow	Triadica sebifera
box elder	Acer negundo
green ash	Fraxinus pennsylvanica

There is grassland/prairie/savanna on site.....YES NO (Check one).
 If yes, list the dominant species below:

Grassland/prairie/savanna species	
Common Name	Scientific Name
bermudagrass	Cynodon dactylon
king ranch bluestem	Bothriochloa ischaemum var. songarica
cedar sedge	Carex planosachys
dallisgrass	Paspalum sp.
straggler daisy	Calyptocarpus vialis

There is hydrophytic vegetation on siteYES NO (Check one).
 If yes, list the dominant species in table below (next page):

Hydrophytic plant species		
Common Name	Scientific Name	Wetland Indicator Status
bald cypress	Taxodium distichum	OBL
black willow	Salix nigra	FACW

A tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level has been completed on the site.

YES NO (Check one).

12. WASTEWATER REPORT – Provide the information requested below.

Wastewater for the site will be treated by (Check of that Apply):

- On-site system(s)
- City of Austin Centralized sewage collection system
- Other Centralized collection system

Note: All sites that receive water or wastewater service from the Austin Water Utility must comply with City Code Chapter 15-12 and wells must be registered with the City of Austin

The site sewage collection system is designed and will be constructed to in accordance to all State, County and City standard specifications.

YES NO (Check one).

Calculations of the size of the drainfield or wastewater irrigation area(s) are attached at the end of this report or shown on the site plan.

YES NO Not Applicable (Check one).

Wastewater lines are proposed within the Critical Water Quality Zone?

YES NO (Check one). If yes, then provide justification below:

Is the project site is over the Edwards Aquifer?

YES NO (Check one).

If yes, then describe the wastewater disposal systems proposed for the site, its treatment level and effects on receiving watercourses or the Edwards Aquifer.

13. One (1) hard copy and one (1) electronic copy of the completed assessment have been provided.

Date(s) ERI Field Assessment was performed: 06/04/2015
Date(s)

My signature certifies that to the best of my knowledge, the responses on this form accurately reflect all information requested.

Megan Lamont

Print Name

512-347-9000

Telephone

Megan Lamont

Signature

mlamont@aci-group.net

Email Address

aci Consulting

Name of Company

06/26/2015

Date

For project sites within the Edwards Aquifer Recharge Zone, my signature and seal also certifies that I am a licensed Professional Geoscientist in the State of Texas as defined by ECM 1.12.3(A).

P.G.
Seal

**List of Attachments for the
Environmental Resource Inventory Form**

Question 8:

Q8-1. CEF Worksheet

Q8-2. Supporting Documentation for no CEF Determination

Question 9:

Q9-1. Site Specific Geologic Map with 2-ft Topography

Q9-2. Historic Aerial Photo of the Site (1996)

Q9-3. Site Soils Map

Q9-4. Critical Water Quality Zone (CWQZ)

Q9-5. City of Austin Fully Developed Floodplains for all water courses with up to 64-
acres of drainage

Question 10:

Q10-1. Surface Soils

Q10-2. Wells

Question 11:

Q11-1. Vegetation

Question 12:

Q12-1. Wastewater Report



Question 8 Attachments

Q8-2. Supporting Documentation for Determination of no Wetland CEF

Date Taken

06/04/2015

Photo #

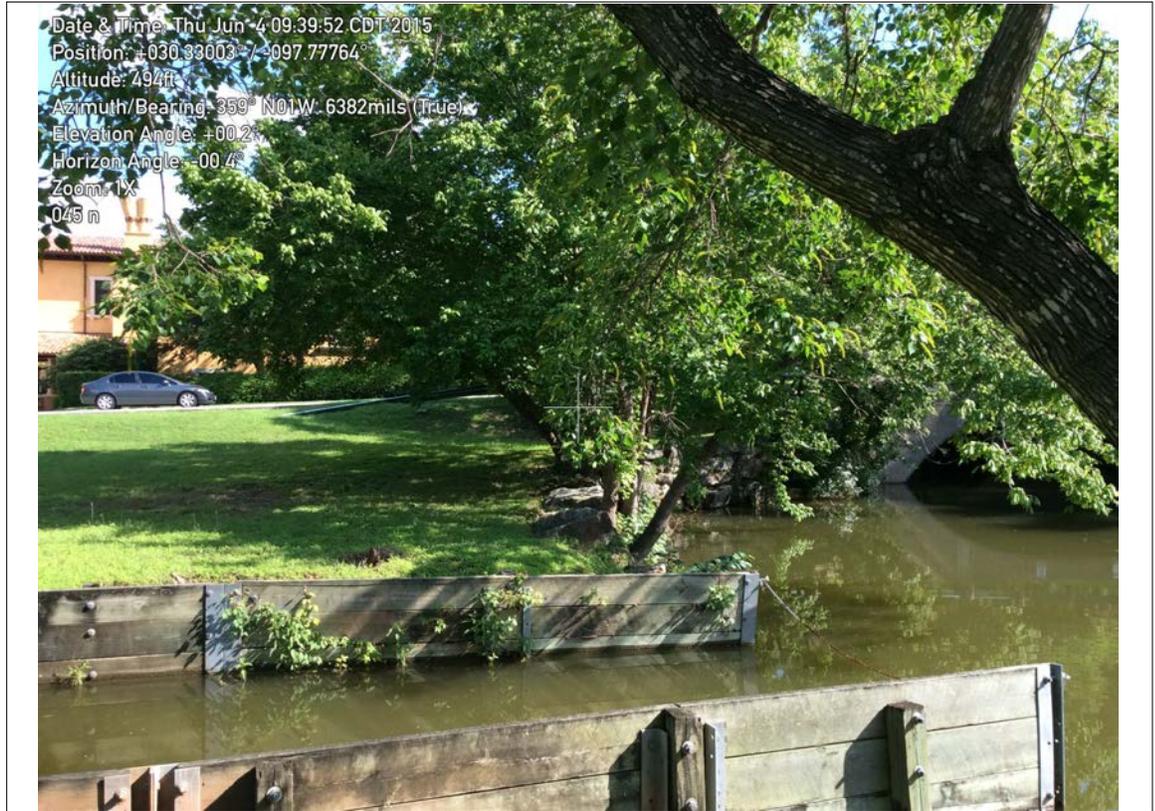
001

Direction

North

Location

4409 Island Cove



Waypoint 045

Photo # 001 was taken from the eastern extent of the property looking north. This photo shows the typical characteristics of the subject area next to the waterfront. The majority of the ground cover vegetation includes bermudagrass, dallisgrass, and straggler daisy. Tree species include Chinese tallow and black willow.

Wetland Delineation sheets for Waypoint 045 is found on the next page.

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: 4409 Island Cove Tract City/County: Austin, Travis County Sampling Date: 06/04/2015
 Applicant/Owner: _____ State: TX Sampling Point: 045
 Investigator(s): E. Wallgren & M. Lamont Section, Township, Range: n/z
 Landform (hillslope, terrace, etc.): flat, man-made bulkhead Local relief (concave, convex, none): - Slope (%): -
 Subregion (LRR): Edwards Plateau Lat: 30.329915 Long: -97.777510 Datum: NAD83 – SP4203
 Soil Map Unit Name: Bh - Bergstrom soils and Urban land, 0 to 2 percent slopes NWI classification: L1UBHh
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation _____ Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation _____ Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Sampling occurred approximately four days following the wettest May on record in which precipitation for the month exceeded the monthly average by approximately 17.59 inches. The vegetation within the sampling point met the criteria for hydrophytic vegetation; however, no hydric soils or wetland hydrology indicators were present. Therefore, the sampling point is not within a wetland. Corresponds with waypoint 045 and photo 001 in Q.8-2 Supporting Documentation Sheet.	

VEGETATION – Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: <u>3 m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Salix nigra</u>	<u>20</u>	<u>Y</u>	<u>FACW</u>	Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): <u>4</u> (A) Total Number of Dominant Species Across All Strata: <u>5</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>80%</u> (A/B)
2. <u>Triadica sebifera</u>	<u>40</u>	<u>Y</u>	<u>FAC</u>	
3. _____				
4. _____				
5. _____				
<u>60</u> = Total Cover				Prevalence Index worksheet:
<u>Sapling/Shrub Stratum</u> (Plot size: <u>3 m</u>)				
1. _____				
2. _____				
3. _____				
_____ = Total Cover				Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
<u>Herb Stratum</u> (Plot size: <u>3 m</u>)				
1. <u>Cynodon dactylon</u>	<u>60</u>	<u>Y</u>	<u>FACU</u>	
2. <u>Calyptocarpus vialis</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	
3. <u>Paspalum dilatatum</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	
_____ = Total Cover				Hydrophytic Vegetation Indicators: <u>X</u> Dominance Test is >50% _____ Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain)
<u>Woody Vine Stratum</u> (Plot size: <u>3 m</u>)				
1. <u>Vitis sp.</u>				
2. _____				
_____ = Total Cover				
<u>% Bare Ground in Herb Stratum</u> _____ = Total Cover				Hydrophytic Vegetation Present? Yes <u>X</u> No _____

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Remarks: (Include photo numbers here or on a separate sheet.)
 Photo 001. Dominance test indicates the presence of hydrophytic vegetation.

Q8-2. Supporting Documentation for Determination of no Wetland CEF

Date Taken

06/04/2015

Photo #

002

Direction

West

Location

4409 Island Cove



Waypoint 046

Photo # 002 was taken from the eastern extent of the property looking west. This photo shows the typical characteristics of the subject area. While some tree species are found on site the majority of the ground cover vegetation includes bermudagrass, cedar sedge, and straggler daisy.

Wetland Delineation sheets for Waypoint 046 is found on the next page.

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: 4409 Island Cove Tract City/County: Austin, Travis County Sampling Date: 06/04/2015
 Applicant/Owner: _____ State: TX Sampling Point: 046
 Investigator(s): E. Wallgren & M. Lamont Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): flat, slight slope Local relief (concave, convex, none): concave Slope (%): minimal
 Subregion (LRR): Edwards Plateau Lat: 30.330081 Long: -97.777602 Datum: NAD83 – SP4203
 Soil Map Unit Name: Bh - Bergstrom soils and Urban land, 0 to 2 percent slopes NWI classification: L1UBHh
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation _____ Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation _____ Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Sampling occurred approximately four days following the wettest May on record in which precipitation for the month exceeded the monthly average by approximately 17.59 inches. The vegetation within the sampling point met the criteria for hydrophytic vegetation; however, no hydric soils or wetland hydrology indicators were present. Therefore, the sampling point is not within a wetland. Corresponds with waypoint 046 and photo 002 in Q.8-2 Supporting Documentation Sheet.	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>3 m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Taxodium distichum</u>	<u>3</u>	<u>N</u>	<u>OBL</u>	Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
2. <u>Triadica sebifera</u>	<u>45</u>	<u>Y</u>	<u>FAC</u>	
3. <u>Acer negundo</u>	<u>42</u>	<u>Y</u>	<u>FAC</u>	
4. _____				
5. _____				
<u>100</u> = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>3 m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				
Herb Stratum (Plot size: <u>3 m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Calyptocarpus vialis</u>	<u>70</u>	<u>Y</u>	<u>FAC</u>	
2. <u>Toxicodendron radicans</u>	<u><1</u>	<u>N</u>	<u>FACU</u>	
3. <u>Carex planostachys</u>	<u>8</u>	<u>N</u>	<u>-</u>	
4. <u>Bothriochloa ischaemum var. songarica</u>	<u><1</u>	<u>N</u>	<u>-</u>	
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
<u>80</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>3 m</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present? Yes <u>X</u> No _____
1. _____				
2. _____				
% Bare Ground in Herb Stratum <u>20</u> _____ = Total Cover				

Remarks: (Include photo numbers here or on a separate sheet.)

Photo 002. Dominance test indicates the presence of hydrophytic vegetation.

Q8-2. Supporting Documentation for Determination of no Wetland CEF

Date Taken

06/04/2015

Photo #

003

Direction

West

Location

4409 Island Cove



Waypoint 047

Photo # 003 was taken from the eastern extent of the property looking west. This photo shows the typical characteristics of the subject area at this point. The majority of the ground cover vegetation includes cedar sedge and straggler daisy. Tree species near this point include pecan, green ash, white mulberry and a black willow.

Wetland Delineation sheets for Waypoint 047 is found on the next page.

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: 4409 Island Cove Tract City/County: Austin, Travis County Sampling Date: 06/04/2015
 Applicant/Owner: _____ State: TX Sampling Point: 047
 Investigator(s): E. Wallgren & M. Lamont Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): n/a Slope (%): -
 Subregion (LRR): Edwards Plateau Lat: 30.329851 Long: -97.777793 Datum: NAD83-SP4203
 Soil Map Unit Name: Bh - Bergstrom soils and Urban land, 0 to 2 percent slopes NWI classification: -
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation _____ Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation _____ Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Sampling occurred approximately four days following the wettest May on record in which precipitation for the month exceeded the monthly average by approximately 17.59 inches. The vegetation within the sampling point met the criteria for hydrophytic vegetation; however, no hydric soils or wetland hydrology indicators were present. Therefore, the sampling point is not within a wetland. Corresponds with waypoint 047 and photo 003 in Q.8-2 Supporting Documentation Sheet.	

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status		
Tree Stratum (Plot size: <u>10 m</u>)					
1. <u>Carya illinonensis</u>	<u>50</u>	<u>Y</u>	<u>FAC</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)	
2. <u>Salix nigra</u>	<u>25</u>	<u>Y</u>	<u>FACW</u>		
3. <u>Fraxinus pennsylvanica</u>	<u>5</u>	<u>N</u>	<u>FAC</u>		
4. <u>Morus alba</u>	<u>10</u>	<u>N</u>	<u>FACU</u>		
5. _____					
<u>90</u> = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____	
Sapling/Shrub Stratum (Plot size: <u>10 m</u>)					
1. _____					
2. _____					
3. _____					
4. _____					
_____ = Total Cover					
Herb Stratum (Plot size: <u>3 m</u>)					
1. <u>Calyptocarpus vialis</u>	<u>65</u>	<u>Y</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators: <u>X</u> Dominance Test is >50% _____ Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
2. <u>Carex planostachys</u>	<u>5</u>	<u>N</u>	<u>-</u>		
3. _____					
4. _____					
5. _____					
6. _____					
7. _____					
8. _____					
9. _____					
10. _____					
<u>70</u> = Total Cover					
Woody Vine Stratum (Plot size: <u>10 m</u>)					
1. _____					
2. _____					
% Bare Ground in Herb Stratum <u>30</u> _____ = Total Cover					
				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	

Remarks: (Include photo numbers here or on a separate sheet.)

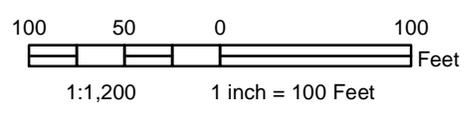
Photo 003. Dominance test indicates the presence of hydrophytic vegetation.



Question 9 Attachments



This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.



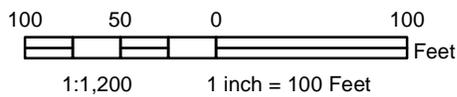
Subject Area





Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.



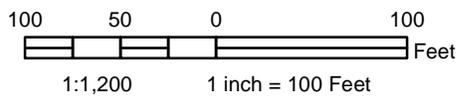
 Subject Area





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.

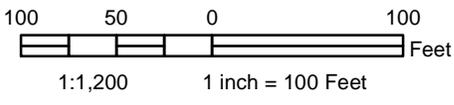


Subject Area



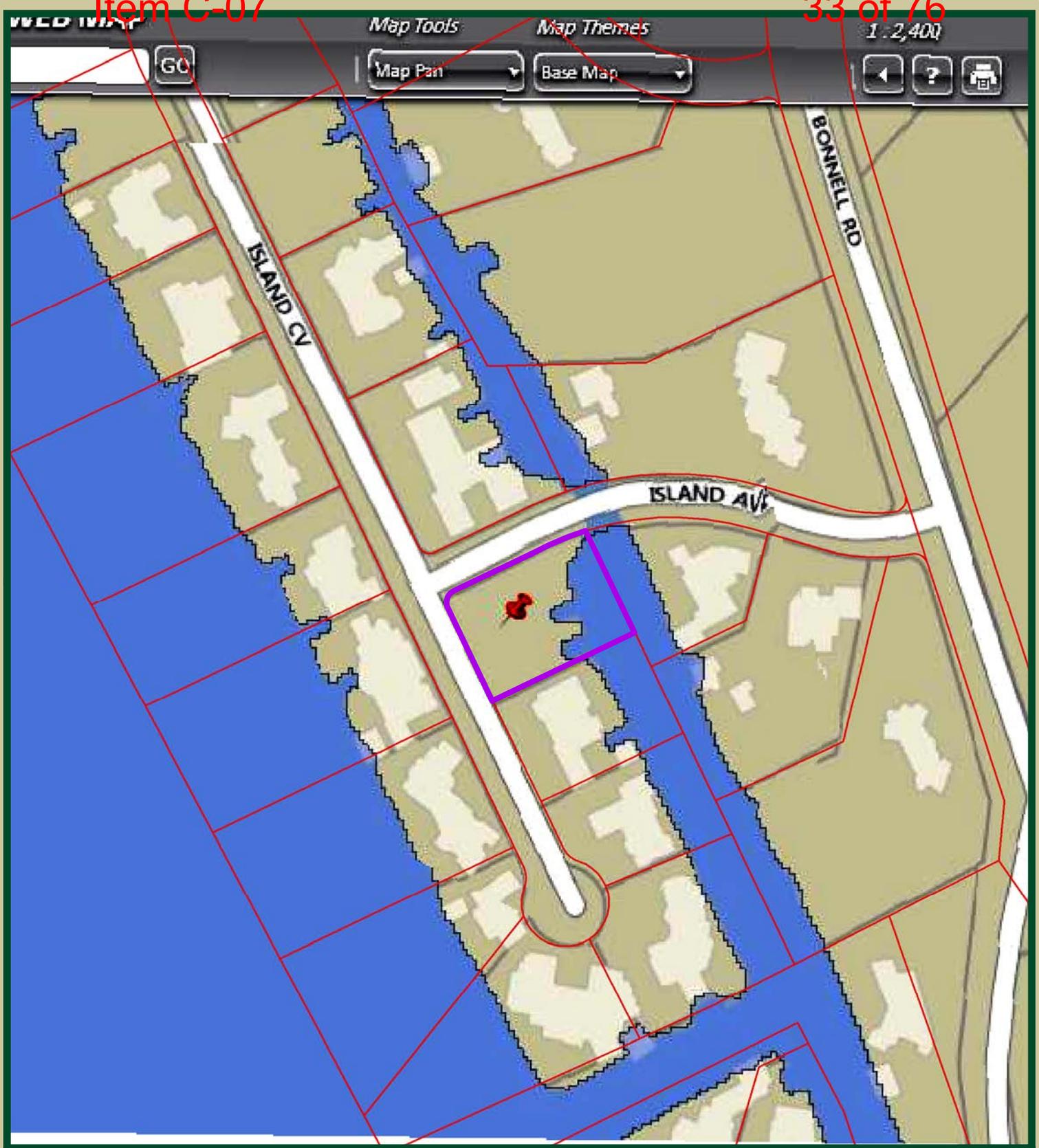


This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.

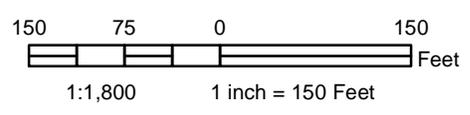


 Subject Area
 CWQZ





This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.



 Subject Area



Question 10 Attachments

Q10-1. Surface Soils

According to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (2015), one soil unit occurs within the subject area:

- *Bh—Bergstrom soils and Urban land, 0 to 2 percent slopes* - The Bergstrom component makes up 58 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood-plain steps on river valleys. The parent material consists of loamy alluvium of Holocene age derived from mixed sources. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is rarely flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 2e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 3 percent.

Reference Section:

(USDA NRCS) United States Department of Agriculture, Natural Resource Conservation Service. 2015. Web Soil Survey. Available at: <http://websoilsurvey.nrcs.usda.gov/>. Accessed on: June 15, 2015.

Q10-2. Wells

No wells were identified within the subject area during field investigations by **aci consulting** personnel on June 4, 2015. Desktop review of aerial photographs and the Texas Water Development Board's web map of Well Driller's Logs (TWDB 2015) did not identify any well locations within 150 feet of the subject area.

Reference Section:

(TWDB) Texas Water Development Board. 2015. Water Information Integration and Dissemination System (WIID) Submitted Driller's Report. Accessed on June 15, 2015. Available at: http://wiid.twdb.texas.gov/ims/wwm_drl/viewer.htm?DISCL=1&appno=1

Question 11 Attachments

Q11-1. Vegetation

The subject area is within the “Live Oak-Ashe Juniper Woods” as noted on the Texas Parks and Wildlife Department “Vegetation Types of Texas” map (McMahan et al. 1984). Woods, are defined as woody plants that range from nine to 30 feet tall with closed crowns or nearly so (approximately 71 to 100 percent), a midstory is usually lacking (McMahan et al. 1984).

Vegetation identified within the subject area includes, but is not limited to: bermudagrass (*Cynodon dactylon*), straggler daisy (*Calypocarpus vialis*), dallisgrass (*Paspalum* sp.), king ranch bluestem (*Bothriochloa ischaemum* var. *songarica*), cedar sedge (*Carex planosachys*), poison ivy (*Toxicodendron radicans*), grape sp. (*Vitis* sp.), boxelder (*Acer negundo*), Chinese tallow (*Triadica sebifera*), green ash (*Fraxinus pennsylvanica*), white mulberry (*Morus alba*), black willow (*Salix nigra*), pecan (*Carya illinonensis*), and bald cypress (*Taxodium distichum*).

Reference Section:

McMahan, C.A., R.G. Frye, and K.L. Brown. 1984. The Vegetation Types of Texas.
Texas Parks and Wildlife Department: Austin, Texas.



Question 12 Attachments

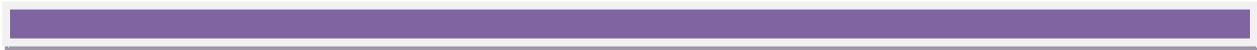


Q12-1. Wastewater Report

The subject area does not have a wastewater/septic system on-site and the proposed project does not include a wastewater/septic system.



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM



PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Permit Partners (David Cancialosi)
Street Address	105 W. Riverside Dr. Suite #225
City State ZIP Code	Austin, TX 78704
Work Phone	512-593-5361
E-Mail Address	david@permit-partners.com

Variance Case Information

Case Name	Island Cove Boat Dock
Case Number	SP-2017-0279D
Address or Location	4409 Island Cove, Austin TX 78731
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	
Applicable Ordinance	Placement of fill in Lake Austin 25-8-367
Watershed Name	Lake Austin
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

September 11, 2018

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	
Request	<p>The variance request is as follows (Cite code references:</p> <p>LDC 35-8-367 to allow fill in Lake Austin in order to decommission existing cut-in slips and as well as to restore shoreline to a more natural condition and superior rated condition. Maximum of 6'6" fill to be placed in Lake at any point along shoreline. This fill variance allows significant restoration of the existing shoreline in a natural aesthetic and is necessary to accommodate the cut and fill variances as well as a net calculation of 0.0 being added due to the same amount of cut and fill being proposed, respectively (692 SF)</p>

Impervious cover	Existing	Proposed
square footage:	___0___	___0___
acreage:	___0___	___0___
percentage:	___0___	___0___
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or	<p>The 23,754 (.99 ac) vacant, corner tract has never been built on. No infrastructure exists. 1" water and 2" WW lines were extended to the property by COA. The lot is relative flat and there exist 2 cut in slips along the rear of the property abutting the lake. This platted lot physically extends well into the channel.</p> <p>A Chapter 245 Ruling approved the site performance standards in accordance with SF-2 zoning in place at the time of original lot creation via Project Approval case #2015-1172866 on November 10, 2015 in accordance with plat approval for C8083-12 on January 28, 1983.</p> <p>A building permit (BP-2017-059058) approved continuation of the single family residential project for a new single family residence. That permit is on hold pending approval of the variance requests associated with this site. City arborist</p>	

<p>outstanding characteristics of the property)</p>	<p>is satisfied with the tree protection and preservation of an assortment of Tallows, Elms and other natives. No trees are being removed.</p> <p>There is no known CEF's on or near this lot.</p> <p>It is a relatively flat lot encumbered by the 2 cut in slips, backing up to a channel, and has a narrow bridge / overpass to one side of the property creating a 15' side street setback that the house and boatdock must abide by.</p> <p>The site has FEMA 100 year floodplain which mostly follows the contour of the existing shoreline and the two (2) cut in-slips. The current site plan proposes substantial restoration of the shoreline in consideration for the variances being proposed.</p>	
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<p>Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)</p>	<p>Restoration of the shoreline and filling of two (2) cut in slips requires in fill in the Lake. The amount of fill varies across the edge of shoreline given shoreline’s existing topography and shape but does not exceed 6’6” nor the 692 SF requested with the cut variances.</p>
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FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes. There are numerous residential bump out docks in and along the various channels and main body residences in the Island Neighborhood.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

No. The proposed development of the site and restoration of the shoreline will provide greater overall EV protection. The cut-in slips are a safety hazard. They are deep and not protected against harm or injury to personnel. The slips capture unwanted trash and debris. The 184’ of shoreline would be substantially improved as part of this fill (and separate cut variance), but the area within the 25’ shoreline would remain in natural state with exception of removal of nuisance or invasive vegetation when necessary. Approximately 120’ of new bulkhead would be installed compliant with current code as well as a mixture of

native tree species planted within the shoreline. The same amount of cut = the proposed fill, so the net is 0. The new bulkhead will install erosion control and shoreline protection measures above the lack of any shoreline bulkhead aside from the cut –in slips.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes. The application proposes the minimum deviation necessary while also achieving greater shoreline improvements.

- c) Does not create a significant probability of harmful environmental consequences.

No. The “fill in the lake” variance allows the restoration of the overall shoreline. Equally important, the variance will allow the two (2) cut-in slips to be removed. They are up to 8’ deep each and present a clear and present danger. The proposed planting plan and overall site redevelopment substantially reduces the probability of any harmful environmental consequences, if any.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The water quality will improve as a result of the significant shoreline restoration and planting plan. The shoreline condition is being raised via the proposed site plan and related variances necessary to implement the design.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes. The applicant believes they are met if not 100% in keeping with the intent with the code.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes. The “fill in the lake” is required due to the topography of the shoreline area near the water and in order to reasonably use and improve the property to its highest and best use in lieu of any shoreline nor erosion controls.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes. The proposed fill in the lake is the minimum deviation required to produce a substantial improvement to the existing shoreline area.

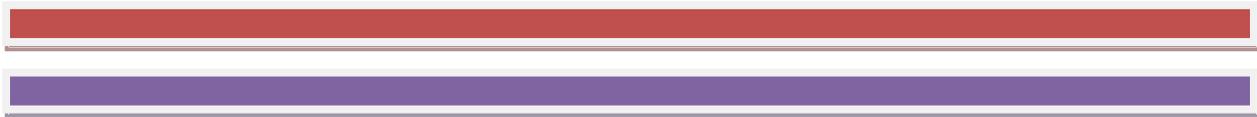
**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*[if required by 25-8-121](#)*)
- Applicant’s variance request letter



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM



PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Permit Partners (David Cancialosi)
Street Address	105 W. Riverside Dr. Suite 225
City State ZIP Code	Austin, TX 78704
Work Phone	512-593-5361
E-Mail Address	david@permit-partners.com

Variance Case Information

Case Name	Island Cove Boat Dock
Case Number	SP-2017-0279D
Address or Location	4409 Island Cove, Austin, TX 78731
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	
Applicable Ordinance	Cut above 4' 25-8-341
Watershed Name	Lake Austin
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	
Request	<p>The variance request is as follows (Cite code references:</p> <p>LDC 35-8-341 to allow cut above 4' in order to extend existing cut-in slip and utilize slip as part of a new 2 slip bump out boat dock which will cover the existing cut-in slip as well as cut to restore shoreline to a more natural condition. 692 SF of cut is proposed. The subsequent EV variance for fill in the lake also proposes 692 SF for a net = 0.0 SF.</p>

Impervious cover	Existing	Proposed
square footage:	___0___	___0___
acreage:	___0___	___0___
percentage:	___0___	___0___
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the	<p>The 23,754 (.99 ac) vacant, corner tract has never been built on. No infrastructure exists. 1" water and 2" WW lines were extended to the property by COA. The lot is relative flat and there exist 2 cut in slips along the rear of the property abutting the lake. This platted lot physically extends well into the channel.</p> <p>A Chapter 245 Ruling approved the site performance standards in accordance with SF-2 zoning in place at the time of original lot creation via Project Approval case #2015-1172866 on November 10, 2015 in accordance with plat approval for C8083-12 on January 28, 1983.</p> <p>A building permit (BP-2017-059058) approved continuation of the single family residential project for a new single family residence. That permit is on hold pending approval of the variance requests associated with this site. City arborist is satisfied with the tree protection and preservation of an assortment of Tallows, Elms and other natives. No trees are being removed.</p>	

property)	<p>There is no known CEF's on or near this lot.</p> <p>It is a relatively flat lot encumbered by the 2 cut in slips, backing up to a channel, and has a narrow bridge / overpass to one side of the property creating a 15' side street setback that the house and boatdock must abide by.</p> <p>The site has FEMA 100 year floodplain which mostly follows the contour of the existing shoreline and the two (2) cut in-slips. The current site plan proposes substantial restoration of the shoreline in consideration for the variances being proposed.</p>
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<p>Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)</p>	<p>Restoration of the shoreline and filling of two (2) cut in slips requires in excess of 4' of cut. No cut will exceed 8', but the height of cut varies across the edge of shoreline given shoreline's existing topography and shape.</p>
--	--

FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

- 1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes. There are numerous residential bump out docks in and along the various channels and main body residences in the Island Neighborhood.

- 2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

No. The proposed development of the site and restoration of the shoreline will provide greater overall EV protection. The cut-in slips are a safety hazard. They are deep and not protected against harm or injury to personnel. The slips capture unwanted trash and debris. The 184' of shoreline would be substantially improved as part of this cut (and separate fill variance), but the area within the 25' shoreline would remain in natural state with exception of removal of nuisance or invasive vegetation when necessary. Approximately 120' of new bulkhead would be installed compliant with current code as well as a mixture of

native tree species planted within the shoreline. The same amount of cut = the proposed fill, so the net is 0. The new bulkhead will install erosion control and shoreline protection measures above the lack of any shoreline bulkhead aside from the cut –in slips.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes. The application proposes the minimum deviation necessary while also achieving greater shoreline improvements.

- c) Does not create a significant probability of harmful environmental consequences.

No. The Cut variance allows the restoration of the overall shoreline. Equally important, the variance will allow the two (2) cut-in slips to be removed. They are up to 8' deep each and present a clear and present danger. The proposed planting plan and overall site redevelopment substantially reduces the probability of any harmful environmental consequences, if any.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The water quality will improve as a result of the significant shoreline restoration and planting plan. The shoreline condition is being raised via the proposed site plan and related variances necessary to implement the design.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes. The applicant believes they are met if not 100% in keeping with the intent with the code.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes. The cut above 4' is required due to the topography of the shoreline area near the water and in order to reasonably use and improve the property to its highest and best use in lieu of any shoreline nor erosion controls.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes. The proposed cut is the minimum deviation required to produce a substantial improvement to the existing shoreline area.

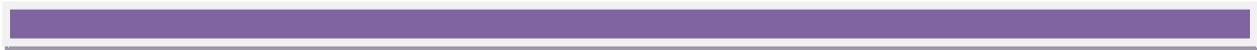
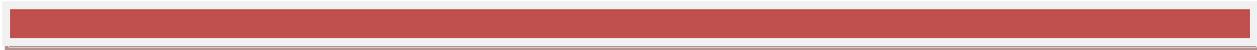
**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*[if required by 25-8-121](#)*)
- Applicant’s variance request letter



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM



PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Permit Partners (David Cancialosi)
Street Address	105 W. Riverside Dr. Suite 225
City State ZIP Code	Austin, TX 78704
Work Phone	512-593-5361
E-Mail Address	david@permit-partners.com

Variance Case Information

Case Name	Island Cove Boat Dock
Case Number	SP-2017-0279D
Address or Location	4409 Island Cove, Austin, TX 78731
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	
Applicable Ordinance	Fill above 4' 25-8-342
Watershed Name	Lake Austin
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

September 11, 2018

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	
Request	<p>The variance request is as follows (Cite code references:</p> <p>LDC 35-8-342 to allow fill above 4' in order to decommission existing cut-in slips and as well as to restore shoreline to a more natural condition and superior rated condition. 692 SF of fill is proposed. The subsequent EV variance for cut in the lake also proposes 692 SF for a net = 0.0 SF.</p>

Impervious cover	Existing	Proposed
square footage:	___0___	___0___
acreage:	___0___	___0___
percentage:	___0___	___0___
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the	<p>The 23,754 (.99 ac) vacant, corner tract has never been built on. No infrastructure exists. 1" water and 2" WW lines were extended to the property by COA. The lot is relative flat and there exist 2 cut in slips along the rear of the property abutting the lake. This platted lot physically extends well into the channel.</p> <p>A Chapter 245 Ruling approved the site performance standards in accordance with SF-2 zoning in place at the time of original lot creation via Project Approval case #2015-1172866 on November 10, 2015 in accordance with plat approval for C8083-12 on January 28, 1983.</p> <p>A building permit (BP-2017-059058) approved continuation of the single family residential project for a new single family residence. That permit is on hold pending approval of the variance requests associated with this site. City arborist is satisfied with the tree protection and preservation of an assortment of Tallows, Elms and other natives. No trees are being removed.</p>	

property)	<p>There is no known CEF's on or near this lot.</p> <p>It is a relatively flat lot encumbered by the 2 cut in slips, backing up to a channel, and has a narrow bridge / overpass to one side of the property creating a 15' side street setback that the house and boatdock must abide by.</p> <p>The site has FEMA 100 year floodplain which mostly follows the contour of the existing shoreline and the two (2) cut in-slips. The current site plan proposes substantial restoration of the shoreline in consideration for the variances being proposed.</p>
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<p>Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)</p>	<p>Restoration of the shoreline and filling of two (2) cut in slips requires in excess of 4' of cut. No fill will exceed 8', but the height of fill varies across the edge of shoreline given shoreline's existing topography and shape.</p>
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FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

- 1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes. There are numerous residential bump out docks in and along the various channels and main body residences in the Island Neighborhood.

- 2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

No. The proposed development of the site and restoration of the shoreline will provide greater overall EV protection. The cut-in slips are a safety hazard. They are deep and not protected against harm or injury to personnel. The slips capture unwanted trash and debris. The 184' of shoreline would be substantially improved as part of this fill (and separate cut variance), but the area within the 25' shoreline would remain in natural state with exception of removal of nuisance or invasive vegetation when necessary. Approximately 120' of new bulkhead would be installed compliant with current code as well as a mixture of

native tree species planted within the shoreline. The same amount of cut = the proposed fill, so the net is 0. The new bulkhead will install erosion control and shoreline protection measures above the lack of any shoreline bulkhead aside from the cut –in slips.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes. The application proposes the minimum deviation necessary while also achieving greater shoreline improvements.

- c) Does not create a significant probability of harmful environmental consequences.

No. The fill variance allows the restoration of the overall shoreline. Equally important, the variance will allow the two (2) cut-in slips to be removed. They are up to 8' deep each and present a clear and present danger. The proposed planting plan and overall site redevelopment substantially reduces the probability of any harmful environmental consequences, if any.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The water quality will improve as a result of the significant shoreline restoration and planting plan. The shoreline condition is being raised via the proposed site plan and related variances necessary to implement the design.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes. The applicant believes they are met if not 100% in keeping with the intent with the code.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes. The Fill above 4' is required due to the topography of the shoreline area near the water and in order to reasonably use and improve the property to its highest and best use in lieu of any shoreline nor erosion controls.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes. The proposed cut is the minimum deviation required to produce a substantial improvement to the existing shoreline area.

**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

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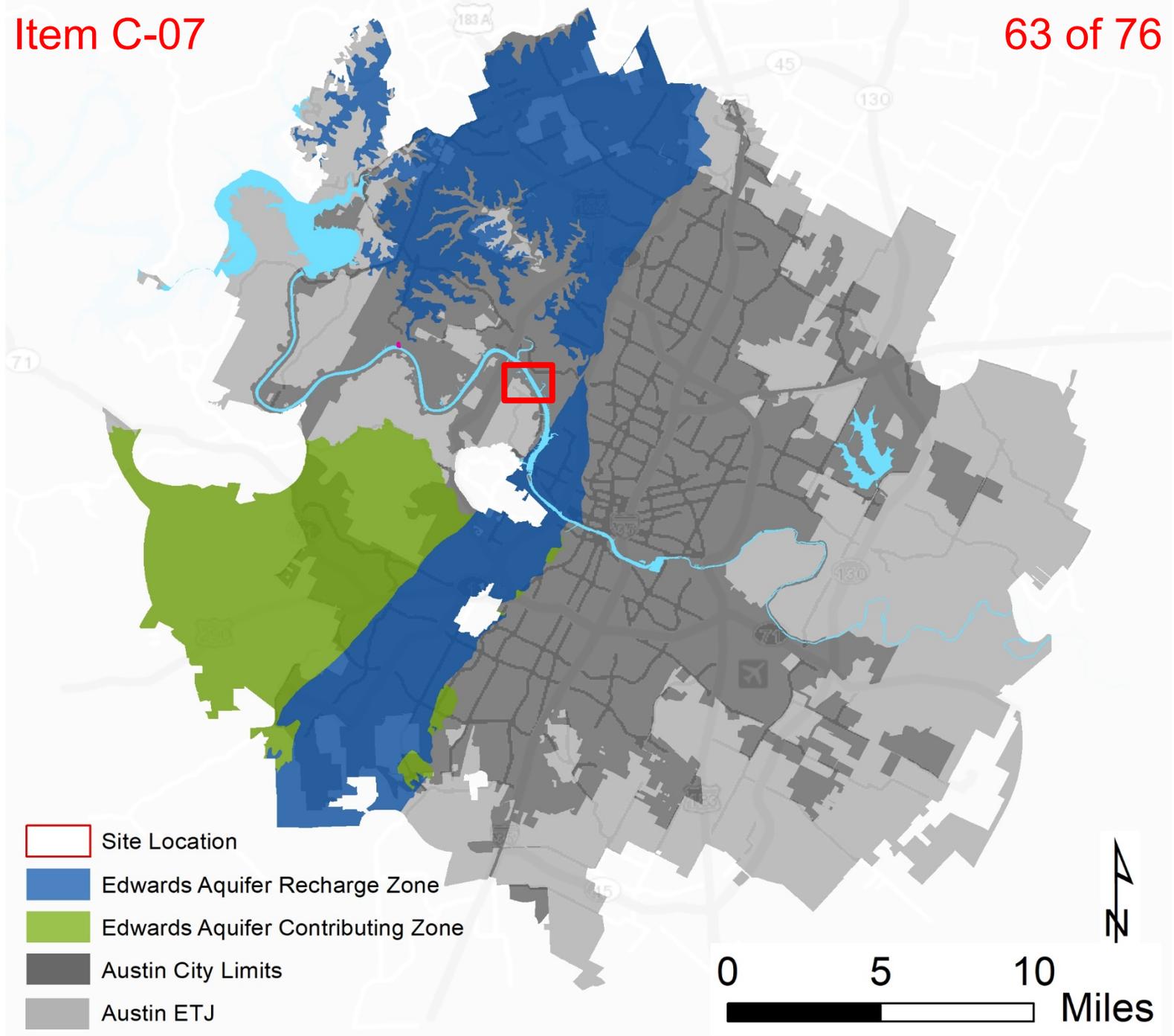
ISLAND COVE BOAT DOCK

4409 ISLAND COVE
SP-2017-0279D

Atha Phillips, RLA

Environmental Program Coordinator

Development Services Department







PROPERTY DATA

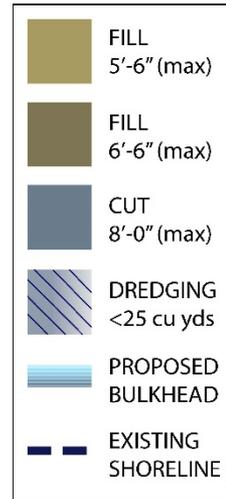
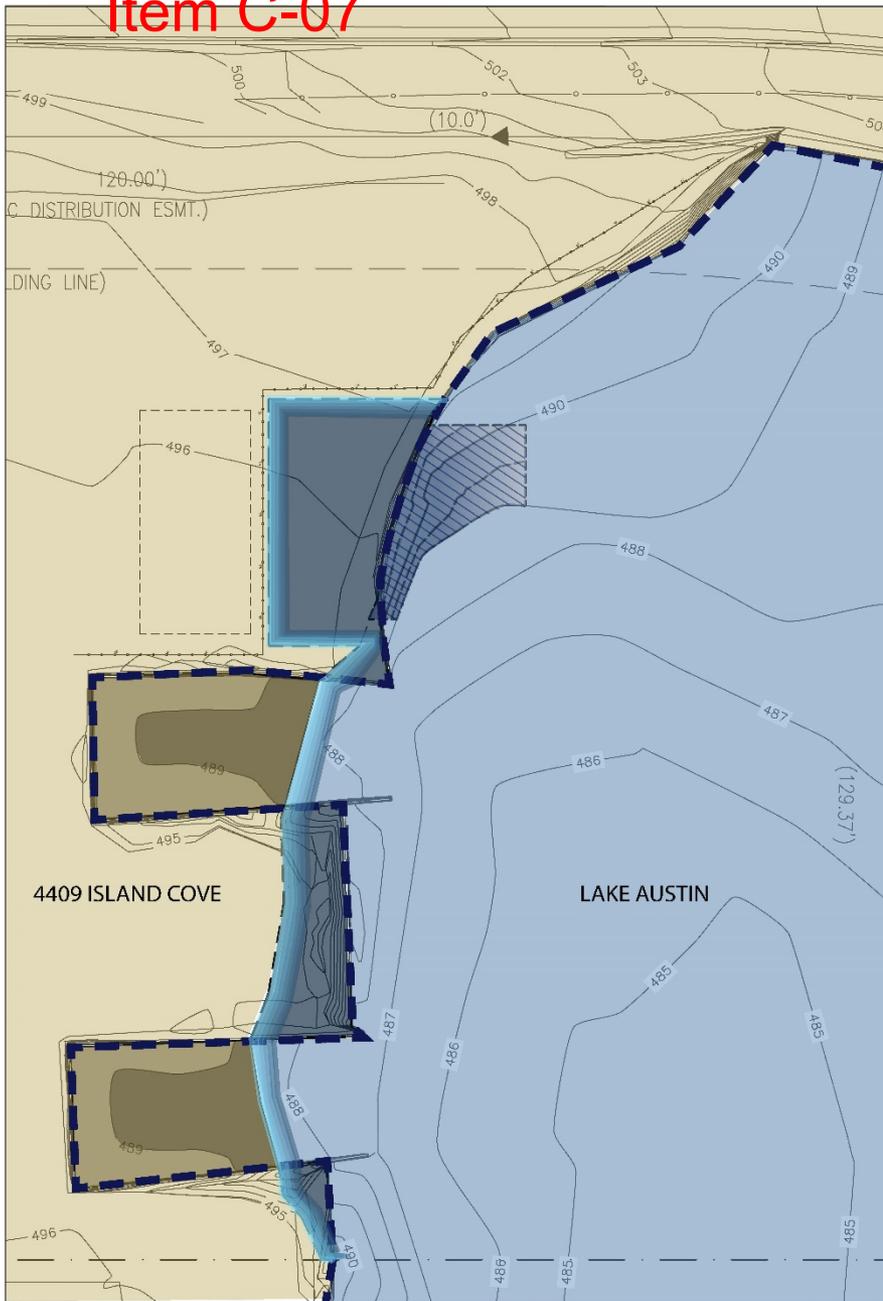
- **Lake Austin Watershed**
- **Water Supply Rural**
- **Drinking Water Protection Zone**
- **Full Purpose Jurisdiction**
- **Not located over Edwards Aquifer Recharge Zone**
- **No Critical Environmental Features**
- **Council District 10**

BACKGROUND

The project is proposing to fill in two existing boat slips, partially cutting in a new two-boat slip, and modifying the existing shoreline.

Most trees on site were removed under Tree Permit #2015 115923 and 20" of mitigation are to be planted on site.

Item C-07



68 of 76

Fill: 692 sf

Cut: 692 sf



EXISTING



PROPOSED

Tree Permit # 2015-115923TP

Allowed the removal of trees and required the applicant plant 20" of mitigation, those trees are planted with this permit.

20" CALIPER TREE MITIGATION / TREE DEMOGRAPHY

	<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>MITIGATION</u>
	BALD CYPRESS	<i>Taxodium distichum</i>	4" CAL	4	TREE REPLACEMENTS / RESTORATION / STRUCTURAL DIVERSITY & GAP
	CEDAR ELM	<i>Ulmus crassifolia</i>	4" CAL	4	TREE REPLACEMENTS
	LIVE OAK	<i>Quercus virginiana</i>			
	SHUMARD OAK	<i>Quercus shumardii</i>			
	TEXAS PISTACHE	<i>Pistacia texana</i>			
	REDBUD	<i>Cercis canadensis</i>	5 GAL	8	RESTORATION / STRUCTURAL DIVERSITY & GAP
	TEXAS PISTACHE	<i>Pistacia texana</i>	5 GAL	3	RESTORATION / STRUCTURAL DIVERSITY & GAP
	TEXAS PISTACHE	<i>Pistacia texana</i>	1 GAL	1	RESTORATION / STRUCTURAL DIVERSITY & GAP

*TREE PERMIT #2015-115923TP REQUIRED 20" MITIGATION AND WITH THIS PERMIT 32" TOTAL CALIPER ARE BEING PROPOSED

VARIANCE REQUEST

25-8-341 Cut over 4 feet

25-8-342 Fill over 4 feet

25-8-367 Placement of fill in the lake

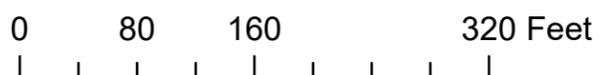




Legend

-  Site Plan Case
-  Zoning

CASE#: SP-2017-0279D
 ADDRESS: 4409 Island Cove
 CASE NAME: Island Cove Boat Dock
 MANAGER: Clarissa Davis



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: Clarissa Davis





VARIANCE RECOMMENDATION

Recommendation:

Staff does not recommend the variances.

Reasons for Recommendation:

The findings of fact have not been met.

QUESTIONS?

Atha Phillips, RLA

Environmental Program Coordinator

Watershed Protection Department

(512) 974-2132

Atha.phillips@austintexas.gov